

Comment Letter O025

O025



Karen Bandoni, Merced Chapter President
California Women for Agriculture
1436 Franklin Road
Merced, CA 95340

August 24, 2004

Mr. Joe Petrillo, Chair
California High Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Re: California High-Speed Train Program EIR/EIS: Agricultural Lands

Dear Chairman Petrillo:

The California High-Speed Train Program EIR/EIS for Agricultural Lands states in **3.8.5 Mitigation Strategies** that "The strategy followed early in the conceptual design state of the project was to avoid farmland wherever feasible." and "Where potential impacts on farmland would occur, the effort would focus on reducing the potential impact." We expect that this strategy will be followed.

The EIR/EIS does not address the potential influx of families into Merced County because of the perceived convenience of high speed train service. Pressures placed on our water supply, school systems, police and fire protection, municipal services, etc. must be considered. Productive farmland will become houses and infrastructure to accommodate what will become "bedroom communities" for residents employed elsewhere and with no attachment to Merced County—beyond their demand for the aforementioned services.

O025-1

The EIR/EIS states that "Site-specific impacts would need to be assessed and evaluated in a project-level document, and specific farmland mitigation strategies would be considered in a project-level document." It is imperative that the farmland lost to additional housing, construction of the high-speed train facilities, and severance impacts be adequately mitigated as specified in **3.8.5 Mitigation Strategies** by "protection or preservation of off-site lands to mitigate conversion of farmlands or acquiring easements, or payment of an in-lieu fee as mitigation mechanisms". Also, farmland under Williamson Act contracts and farmland conservation easements, both which specify that the farmland remain in agriculture, must be addressed with mitigation.

O025-2

We request your diligent consideration of these concerns at all levels and particularly during the project-level documentation. Agriculture is Merced County's number one industry and must be protected as the direction of a high-speed train program is determined. It is our understanding that the major advantages to this program are speed of travel and some air quality improvement; but that only one lane of normal traffic would be eliminated by this very expensive project. Additionally, the cost of operating would be heavily subsidized by the taxpayers for the benefit of a small percentage of our citizens who would use it. Is this cost justified?

O025-3

The Merced Chapter of California Women for Agriculture thanks you for this opportunity to respond to the California High-Speed Train Program EIR/EIS.

Respectfully,
Karen Bandoni
Karen Bandoni,
Merced Chapter President

Over 3,500 volunteers promoting agriculture through education, legislation and public relations

Founded 1975



**Response to Comments of Karen Bandoni, Merced Chapter President, California Women for Agriculture, August 24, 2004
(Letter O025)**

O025-1

Please see Chapter 5 of the Draft Program EIR/EIS in regards to the potential for growth inducement from the HST, Modal and No Project alternatives. This chapter summarizes the technical study assessing "Economic Growth and Related Impacts" which included the quantification of the potential increase in population in Merced County (and the rest of the Central Valley) as a result of the implementation of the HST system. Please see standard responses 5.2.1 and standard response 5.2.3.

O025-2

Acknowledged. In the Final Program EIR/EIS, each environmental section of Chapter 3 has been modified to include mitigation strategies that would be applied in general for the HST system. Specific impacts and mitigations will be addressed during subsequent project level environmental review, based on more precise information regarding location and design of the facilities proposed. The more detailed engineering associated with the project level environmental analysis will allow the Authority to further investigate ways to avoid, minimize and mitigate potential impacts to farmland resources. Once the alignment is refined and the facilities are fully defined through project level analysis, and only after avoidance and minimization efforts have been exhausted, will specific impacts and mitigation measures be addressed.

The potential for farmland impacts due to growth is discussed in Section 5.2 of the Final Program EIR/EIS for each system alternative (No-Project, Modal, and HST). Please also see Chapter 6B of the Final Program EIR/EIS which discusses transit-oriented development measures which may assist in limiting impacts to farmlands.

O025-3

The Authority acknowledges your concerns regarding the State's agricultural resources.

Regarding your concerns related to operating subsidies, feasibility studies by both the Commission (1993-1996) and the Authority (1997-2000) showed that a statewide HST system in California could operate at a revenue surplus, however, most of the capital costs of the initial system would have to be publicly financed. In addition, the forecast ridership for the system represents a relatively large portion of the total intercity travel demand (see Section 2.3.2.C of the Program EIR/EIS). Although the potential impacts of the proposed HST system are analyzed in comparison to a modal alternative, the proposed HST system would not replace freeway lanes.

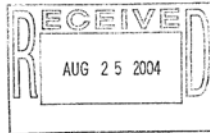
Comment Letter O026

O026

Write an e-mail message · Monday, August 23, 2004 5:51:32 PM · Page 1 of 2
WebTV Networks



Write an e-mail message



From: rplatzek@webtv.net.
(Rudy Platzek)

To: www.cahighspeedrail.ca.gov

Subject: Draft Program EIR/EIS Comments: Proposed High Speed
Rail Project

California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814

Dear Authority:

The following are the comments on the Draft EIR/EIS on this project by the
Farmland Working Group and the Valley Vision Project:

We ask you to revise and recirculate the DEIR/DEIS to fully consider all of the
environmental impacts of the deficient current DEIR/DEIS. We consider the
DEIR/DEIS to be deficient in the following areas:

1. IMPACTS ON FARMLAND AND GROWTH INDUCEMENT. The
revised DEIR/DEIS must fully address all of the impacts of the proposed rail
system and the growth it will promote on the farmland of the Central Valley. It
must address how the rail line will mitigate disruptions of irrigations,
movement of farm equipment and farm-to-market transportation; and It must
recalculate the estimates of how much farmland will be lost, based on actual
trends and from the urban growth it will induce.

2. IMPACTS OF ALTERNATIVE ROUTES; Fully address all of the
environmental impacts of all possible routes for the high-speed rail project,
including the Altamont Pass Alternative. As you may know the Altamont Pass
alignment was the recommended preferred alignment of the Intercity High
Speed rail Commission, the predecessor to the California High Speed Rail
Authority. A new DEIR/DEIS should fully explore an Altamont Pass
alignment, providing a complete and careful comparison to other alignment and
the long-range (50 years) urban growth it will induce.

On behalf of the

Write an e-mail message · Monday, August 23, 2004 5:52:21 PM · Page 2 of 2
WebTV Networks

Farmland Working Group and the Valley Vision Project, I remain...sincerely,
Rudy Platzek



O026-1

O026-2

Response to Comments of Rudy Platzek, Farmland Working Group, and the Valley Vision Project, August 23, 2004 (Letter 0026)

0026-1

Please see Chapter 5 of the Draft Program EIR/EIS in regards to the potential for growth inducement for the HST, Modal and No Project alternatives. This chapter summarizes the technical study assessing "Economic Growth and Related Impacts" which included the quantification of the potential population increase in the Central Valley as a result of the implementation of the HST system. In addition to general mitigation strategies and design practices included in the Final EIR/EIS to reduce impacts, future project studies addressing more specific alignment options would address potential disruption of irrigation, movement of farm equipment and farm-to-market equipment. See Sections 3.8.5 and 3.8.6 of the Final Program EIR/EIS.

0026-2

Please see standard response 2.18.1.

Comment Letter O027

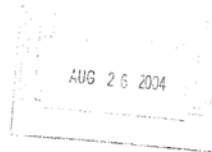
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001
O027

Greater Cypress Park Neighborhood Council (GCPNC)
C/O Cypress Park Community Center
929 Cypress Avenue, LA 90065

August 23, 2004

California High Speed Rail Authority
Sacramento, California



VIA FACSIMILE
(916) 322 0827

Attn. Carrie

Re: Proposed High Speed Rail Line through Taylor Yard

Certified Neighborhood Councils in Los Angeles are part of the City's governance. The LA City Charter specifically gives certain powers to neighborhood Councils, i.e., advice on the LA City budget, holding Public Hearings, etc., to allow the stakeholders to have advise the City on matters of land use, street services, budgets, etc.

We are disappointed that your organization did not inform our Neighborhood Council, or any other I understand, of the two public hearings that were held in Los Angeles to consider the environmental impact of a high speed rail link running through Cypress Park.

We respectfully ask you to extend your August 31 deadline and hold another Public Hearing to allow Neighborhood Councils and stakeholders of Los Angeles to voice their concerns, or support, for this project.

Sincerely,

John Edwards
Interim President
Greater Cypress Park Neighborhood Council
(323) 233 0604 Ext 28

O027-1



CALIFORNIA HIGH SPEED RAIL AUTHORITY



U.S. Department
of Transportation
**Federal Railroad
Administration**

**Response to Comments of John Edwards, Interim President, Great Cypress Park Neighborhood Council, August 23, 2004
(Letter O027)**

O027-1

Public outreach, consistent with federal and state law was undertaken for this programmatic document. A description of the outreach efforts including a listing of the public meetings held as part of this program environmental process can be found in Chapters 8 (Public and Agency Involvement) and 9 (Organization, Agency and Business Outreach). The Greater Cypress Park Neighborhood Council will be added to the distribution list for future information and announcements regarding the project. All notices and information will be sent to:

John Edwards
Interim President
Greater Cypress Park Neighborhood Council
C/O Cypress Park Community Center
929 Cypress Avenue
Los Angeles, California 90065

Please also see standard response 8.1.1 and standard response 8.1.16.

Comment Letter 0028

0028

To: California High-Speed Train Draft Program EIR/EIS Comments
925 L Street, Suite 1425
Sacramento, CA 95814

From: San Dieguito Lagoon Committee
Dawn Rawls, Chair
1087 Klish Way
Del Mar, Ca 92014

Date: August 23, 2004

The San Dieguito Lagoon Committee appreciates the opportunity to comment on the California High-Speed Train Draft Program EIR/EIS.

What is the Lagoon Committee?

The Lagoon Committee was established in 1974 by the City of Del Mar, in recognition that the San Dieguito Lagoon is a coastal wetland of regional significance. Since that time, this standing advisory committee has led efforts to preserve and protect not only the coastal lagoon that borders Del Mar but also the 55-mile corridor that runs to Julian and is known officially as the San Dieguito River Park. The committee has worked to support creation and funding of a major lagoon restoration project that will be constructed, starting next spring, under the auspices of the San Dieguito River Valley Joint Powers Authority and Southern California Edison. The committee takes an active role in tracking and evaluating all projects affecting this valley, including the Commuter Rail system begun 20 years ago and now the proposed high-speed, doubletracking project that is the subject of this program EIR/EIS. Although we understand that this project will affect a large portion of California, our comments will focus on the segment that passes through Del Mar, especially the City's northern area, the San Dieguito Lagoon.

Members of our Committee have attended many of the public hearings and presentations provided by the High Speed Rail Authority, including those at the Del Mar City Hall. At each of these hearings various speakers have stressed the facts that the **San Dieguito Lagoon** is:

- an integral part of the San Dieguito River Park (SDRVP), and
- will undergo a \$40-\$100 million dollar restoration by the Joint Powers Authority for the River Park and Southern California Edison, commencing spring of 2005.

Our more specific comments are:

I. Recognize the ecological and recreational importance of the San Dieguito Lagoon in the EIR/EIS.

Our initial comment must be that we can find no reference to the above facts in the draft EIR/EIS. Indeed we find that the draft EIR/EIS makes no reference to the lagoon restoration project noted above and, in fact, does not treat this area as parkland at all. Because the San Dieguito River Park is a regional open space and recreational public preserve, all impacts under 4(f) must be fully considered and addressed. The San Dieguito River Park stretches from the ocean, 55 miles inland to the mountains and is destined to become a jewel in our California park system, a 21st century preservation equivalent to the preservation of the seven-mile long Yosemite Valley. The EIR/EIS must design the CHST project in Del Mar within this context of preservation.

II. Provide an additional alignment for Los Penasquitos-Del Mar-San Dieguito Lagoon segment along the I-5 corridor.

The alignments chosen in the draft for further study are too limited. One treatment of this segment threatens to harm the San Dieguito Lagoon in order to bypass the Los Penasquitos Marsh

Preserve. Both areas are extremely valuable, and one should not be sacrificed for the other. The HSR project design should aim to minimize impacts and improve flushing in both lagoons. We suggest that the scope of the program EIR/EIS be broadened to include at least one additional alignment that will not damage either lagoon. **This additional alignment should be either (a) east of both lagoons or (b) tunnel under the San Dieguito Lagoon to the I-5 corridor.**

This additional alignment should be considered now and not at the later project level review because, as stated in the definition of a Program EIR, Section 15168 of the Public Resources Code: "One advantage of using a program EIR is to "provide an occasion for a more exhaustive consideration of effects and alternatives than would be practical in an EIR on an individual action (b-1)" and "A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required." (c-5).

III. Injurious effects of rail along the San Dieguito Lagoon include:

1. Deleterious effects on wildlife in the restored Lagoon: noise, vibration, excess light, and loss of habitat.
2. Negative aesthetic impacts and view obstruction within the viewshed of the most-frequented portion of the San Dieguito River Park.
3. Construction in the floodplain of the San Dieguito River would, due to elevations required, exacerbate the negative aesthetic impacts, as well as disrupt wildlife habitat and the natural wetlands ecosystem.
4. Negative impacts similar to those listed above would also occur for the Crest Canyon preserve that meets the San Dieguito Lagoon in the area of the suggested track alignment.

IV. Although we feel that an alignment along the I-5 corridor should be considered because it would have the least impact on the San Dieguito Lagoon and Penasquitos Marsh Preserve, **among the current alignments, the San Dieguito Lagoon Committee prefers the Del Mar Tunnel** if due care is given to improving flushing in Los Penasquitos Marsh Preserve and the San Dieguito River and Lagoon.

Thank you for addressing our concerns.

Sincerely,


Dawn S. Rawls, Chair
San Dieguito Lagoon Committee

cc: Richard Earnest, Mayor, Del Mar
Richard Bobertz, JPA Executive Director
Ellen Lirely, Coastal Commission

0028-1
cont.

0028-1

**Response to Comments of Dawn S. Rawls, Chair, San Dieguito Lagoon Committee, August 23, 2004
(Letter 0028)**

0028-1

The LOSSAN Conventional Rail Improvements are not being included as part of the proposed HST system addressed in this Final Program EIR/EIS and are the subject of the Caltrans LOSSAN Rail Improvements Program EIR/EIS (Draft PEIR/EIS SCH # 2002031067). These comments have been forwarded to Caltrans for consideration. See standard response 6.41.1

Comment Letter 0029

0029



August 5, 2004

Chairman Joseph E. Petrillo and
Members of the High-Speed Rail Authority
Attn: California High-Speed Train
Draft Program EIR/EIS Comments
925 L Street, Suite 1425
Sacramento, CA 95814

Via fax and mail (916) 322-0827

Dear Chairman Petrillo and Members of the High-Speed Rail Authority:

Defense of Place works to assure that protected lands stay protected in perpetuity and is deeply concerned with the unprecedented impacts to parks, wild life refuges and open space from the proposed high speed train. Because of Defense of Place's focus, the organization's primary area of concern and analysis lies within section 3.16 of the DEIR and the impacts of the High Speed Train on Section 4(f) and 6(f) resources. Defense of Place is particularly concerned with the 55-89 Section 4(f) and 6(f) resources that the DEIR claims will be highly impacted by the High Speed Train (3.16-6) and with the larger range of approximately 142-181 4(f) and 6(f) resources that would be impacted when medium impacts are considered.¹

Californians strongly value their parks, open space, wildlife refuges and other protected lands. California voters have recently supported initiatives giving billions of dollars to further acquire preservation lands for future generations. Propositions 204, 12, 40, and 50 together allocated about \$3.2 billion for a broad array of land acquisition and restoration projects. These allocations include funding to the several state conservancies and the Wildlife Conservation Board (WCB), as well as for ecosystem restoration, agricultural land preservation, urban forestry, and river parkway programs.² California's open, scenic, and wild places are a driving force behind the state's \$80 billion tourism industry.³ Access to open and protected places is a major factor in attracting businesses, workers and tax paying residents.⁴ California clearly values and depends on permanent protection for lands already set aside for preservation.

¹ While the DEIR does not count the medium impacts in Section 3.16 even though some of these impacts have a high potential for constructive use, these medium impacts are included in the Regional Technical reports.

² California Legislative Analyst's office.

<http://www.jstor.org/stable/2004740> 8/5/04

³ California Lodging Industry Association. <http://www.clia.org>. 8/5/04

⁴ Lerner, Steve and Poole, William. "Open Space Investments Pay Big Returns." *Land and People* Spring 1999

Defense of Place works to assure our protected lands stay protected forever. Our name is what we do.

1

Because of the high value Californians place on protected landscapes, it is quite surprising that Section 3.16 of the DEIR avoids thorough analysis of the impacts of the various alternatives on section 4(f) and 6(f) resources. Section 3.16 specifically names only a very small percentage of the total number of 4(f) and 6(f) resources that would be impacted by the HST. Section 3.16 does not adequately compare the impacts of the HST versus the modal alternative in terms of their impacts on section 4(f) and 6(f) resources. The analysis simply compares the total *number* of these resources impacted without regard to the quality, size, or nature of the impacts. This type of analysis is completely inadequate because it gives equal weight to large wilderness parks such as Henry Coe State Park as it does to small city parks that may be smaller than an acre.

The number of protected places that the High Speed Train would negatively impact is unprecedented for a single public works project. If it continues as planned, it sets a horrible precedent for severely impacting a vast collection of resources that have been set aside for the enjoyment of future generations. Many of these places were set aside and are enjoyed because of unique qualities that would be difficult if not impossible to mitigate. This "taking" of protected lands of such an unprecedented scale would not only undermine the public's faith in existing conservation efforts and institutions, but it would also undermine their faith in future conservation endeavors. If fifty, one hundred, or one hundred and fifty "protected" places are undermined by this single project, how are Californians going to be convinced to financially support future purchases of land for conservation when their faith in California's ability to set aside land for future generations is severely compromised by this project? While the California High Speed Train is a laudable goal for the State, if every effort isn't made to avoid protected places in the train's path, land conservation efforts in California will be irreparably harmed.

Judging from the level of analysis of Section 3.16, there is little evidence of the "special effort" required to preserve protected places as stipulated by section 4(f) of the DOT Act of 1966 (49 U.S.C. § 303.) Section 3.16 of the DEIR should be revised and re-circulated.

Basic method of evaluation is flawed and does not meet the “primary goal” of section 3.16

The primary goal of the analysis was the identification of Section 4(f) and 6(f) resources on or very close to the proposed HST and Modal Alternative alignment options and the relative potential impacts of the alternatives on these resources.

(3.16-2)

The first part of this goal is identification of 4(f) and 6(f) resources and the second part is the relative impacts of the alternatives on these resources.

Section 3.16 of the DEIR fails to meet the first part of the goal because the analysis fails to actually provide a complete list identifying by name the 4(f) and 6(f) resources on or very close to the proposed HST and Modal Alternative alignment options. Section 3.16 provides an aggregate comparison of the *number* of 4(f) and 6(f) resources impacted, but doesn't actually "identify" the resources impacted by each alternative because it fails to provide a list naming each of these resources.

Section 3.16 fails to meet the second part of the goal because the comparison simply tallies the

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Comment Letter O029 Continued

aggregate number of impacts to 4(f) and 6(f) resources and compares the total *number* of impacts between the different alternatives without regard to the quality and nature of those impacts. Using this methodology, a hypothetical alternative highly impacting Yosemite, Joshua Tree, and Point Reyes would be considered less damaging than another hypothetical alternative highly impacting four City parks in an urban area such as San Mateo County. The tally method used fails to adequately address “the relative potential impacts of the alternatives on these resources.”

Section 3.16 of the DEIR compared the number of Section 4(f) and 6(f) resources that would be impacted by the HST versus the modal and no action alternatives with brief mention of the impacts to the parks in the various regions of the HST study. Simply comparing the number of Section 4(f) and 6(f) resources impacted between the various transportation alternatives is insufficient because it gives equal weight to very large wilderness parks such as Henry Coe State Park as it does to small city parks that are less than a few acres. The modal alternative will likely damage a large number of city parks that could be mitigated, but is very unlikely to highly impact a wilderness park such as Henry Coe (which cannot be mitigated) because transportation corridors do not go through such places already. Therefore the comparison between the total number of Section 4(f) and 6(f) resources negatively impacted is not a meaningful indication of the total impact of the alternatives. A simple tally of the impacts on Section 4(f) and 6(f) resources between the different transportation alternatives deprives the DEIR of any meaningful information about the nature of the extremely large number of impacts to these resources.

State Parks system receives unfair burden of negative impacts on Section 4(f) and 6(f) resources

Defense of Place would like to acknowledge and concur with the excellent analysis presented in the DEIR comments letter of the California Department of Parks and Recreation dated August 19th. Regional technical reports on 4(f) and 6(f) resources show that the HST would negatively impact 22 State Parks. This number is in addition to the future State Parks that would be natively impacted such as the Taylor Yards or Cornfields Property that aren’t even mentioned in the DEIR. This represents a significant percentage of the total number of parks within the State Park system. The State Park system plays a vital role in the State of California providing services ranging from recreation to habitat protection. The cumulative impact of the HST on the State Parks seems to be entirely negative, as none of the proposed stations would likely lead to improved access to parks within the system. In addition to not considering the potential impacts of the HST within each of the parks themselves, the DEIR fails to consider any of the impacts that the proposed HST alignments could have on the State Parks system as a whole. Defense of Place encourages future drafts of the EIR to include analysis of the impacts to the State Parks as a whole.

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O029-2

Proposed routes through Henry Coe State Park violate California Wilderness Act

Two of the proposed Bay Area Alignment Options go through Henry Coe State Park and its Orestimba Wilderness. The DEIR fails to consider the California Wilderness Act of 1974 (Public Resources Code 5093.30 through 5093.40) and the legal implications of creating a railroad right of way through the Orestimba Wilderness. The California Wilderness Act specifically prevents the construction of new roads or motorized transport through Wilderness Areas. The intention of the California Wilderness Act was specifically to put certain places with natural and aesthetic value because of their wild condition off limits from future development.

O029-3

The DEIR fails to even mention that the proposed routes would violate the California Wilderness Act, the most stringent law available for protecting land in California.

Even consideration of placing a High Speed Train corridor through such an area completely disregards this special designation. While CEQA allows for consideration of reasonable alternatives for a project, because of the Wilderness designation the consideration of a High Speed Train corridor through the area is unreasonable and should not be further considered.

Deferring analysis of Section 4(f) and 6(f) resources is unacceptable

Because protected areas are such a high priority for Californians, simply deferring discussion and analysis on the specific impacts to Section 4(f) and 6(f) resources to the project level EIR is insufficient. Section 3.16 states, “In subsequent project-level analysis, should a decision be made to proceed with the HST Alternative, Section 4(f) and 6(f) resources, potential uses and impacts, and appropriate mitigation measures would be identified in detail.” (3.16-2) These resources provide amenities such as: important recreation opportunities, barriers and buffers from urban sprawl, an experience of areas with unique qualities, wildlife habitat and migration corridors, an escape from urban environments and many other important amenities to both humans and wildlife. These amenities are the reason why Section 4(f) and 6(f) resources are set aside for future generations. The negative impacts on both the Section 4(f) and 6(f) resources themselves and the amenities they provided should have been considered in the DEIR and not be deferred to future analysis.

O029-4

Route selection doesn’t adequately avoid Section 4(f) and 6(f) resources

“Because the proposed HST system would cross urbanized and developed areas, a variety of Section 4(f) and 6(f) resources could be affected. The proposed HST system alignment options were developed with the intent of avoiding these resources to the extent feasible.” (3.16-3)

While avoiding 4(f) and 6(f) resources is stated as a priority in the DEIR and should be a guiding principal for determining High Speed Train routes, in practice this has not happened consistently. One of the reasons stated for eliminating the Altamont Pass Route was because of the negative impacts of going through Don Edwards San Francisco Bay National Wildlife Refuge. While the concern is valid, the routes going through San Jose proposed as an alternative would not only still go through the Refuge, but they would also likely go through wilderness areas in Henry Coe State Park. Thus while concern for Section 4(f) and 6(f) resources was used to disqualify one

O029-5

Comment Letter 0029 Continued

alternative, the lack of concern for these resources in choosing a route resulted in an alternative with a greater negative impact (Don Edwards Refuge in addition to Henry Coe.) Minimizing the impacts on Section 4(f) and 6(f) resources should be a major priority for evaluating all possible routes of the California High Speed Train and should be used consistently.

DEIR lacks thorough documentation of measures to avoid harming protected lands or mitigation efforts

Section 4(f) of DOT Act of 1966 (49 U.S.C. § 303) states "the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use." Beyond scant discussion of measures to minimize the impacts on Henry Coe State park, there is no thorough discussion of measures to reduce the impact on the other 54-89 Section 4(f) and 6(f) resources that would be highly impacted by the HST. In the regional technical reports, soundwalls are listed as a possible way to mitigate the impacts of the HST on specific 4(f) and 6(f) resources, but this is entirely inadequate. Both Federal and State laws require replacement lands where conversions of 6(f) lands are proposed for transportation projects. In the DEIR no such discussion of replacement lands is present. Further, because of the indeterminate nature of the routes, it is hard to believe that mitigation costs of acquiring replacement lands are adequately addressed in the cost chapter of the EIR. For example, replacement costs for lands in the Orestimba Wilderness in Henry Coe State park would be radically different than the replacement costs of 4(f) and 6(f) resources on the competing Pacheco Pass route.

DEIR fails to give average citizens accessible and beneficial information about the impact on parks, open space, wildlife preserves and other protected places

The DEIR discussion of the issue of parks, open space, wildlife refuges and otherwise "protected" areas, has been entirely inadequate. Section 3.16, specifically dealing with protected places, was titled "Section 4(f) and 6(f) Resources." This title is unclear to the general public and only clear to those very familiar with transportation planning laws and Land Water Conservation Fund terminology; many park advocates entirely missed the section because of its title. Further, names of the specific parks that would be highly impacted by the high-speed rail, other than a small number of "signature" parks, were absent in the main body of the DEIR and could only be found buried in the technical reports of the regional studies.

Despite the fact that regional technical analyses specifically listed the names of the Section 4(f) and 6(f) resources that would be negatively impacted by the HST, the DEIR fails to list these resources by name. This is a strange omission. The timing of the DEIR was originally set to coincide with a voter referendum for November of 2004 (now postponed) and would have been the most comprehensive document available to inform voters and environmental organizations about the environmental impacts of the High Speed Train. The names of these protected places impacted by the train should have been included to better inform concerned citizens about the impacts to protected places in their own communities.

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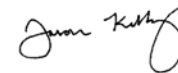
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Conclusion

The magnitude of the impacts on Section 4(f) and 6(f) from the California High Speed Train is unprecedented for public works projects in California. Due to the fact that the HST will highly impact 55-89 parks, protected open space, nature preserves and wildlife refuges the DEIR should have produced a more thorough analysis. At the very least the analysis should have: 1) met the goals stated in its Section 3.16. 2) Adequately addressed issues related to state and federal laws related to Section 4(f) and 6(f) resources. 3) Considered the impacts of violating the California Wilderness Act. 4) Listed the names of the parks potentially impacted by the HST.

Because of these significant omissions from section 3.16 of the DEIR, the entire section should be re-written and re-submitted.

Sincerely,



Jason Kibbey
Director, Defense of Place

**Response to Comments of Jason Kibbey, Director, Defense of Place, August 5, 2004
(Letter O029)**

O029-1 and O029-2

The potentially affected 4(f) and 6(f) resources are identified in the regional technical reports that are summarized in Section 3.16. The analysis of Section 4(f) and 6(f) in Section 3.16 of the Final Program EIR/EIS meets the stated primary goal by identifying each potentially impacted resource and the general nature of potential impact in terms of its relative proximity to the proposed facilities. A table identifying the potential affects to parks for both the build alternatives is provided in the Final Program EIR/EIS (Appendix 3.16-A).

The majority of the state parks units potentially affected are along the LOSSAN rail corridor between Irvine and San Diego. The Authority is not pursuing any extension of the HST system south of Irvine in this corridor, primarily due to the potential for impact to environmental resources, including state parks. Conventional rail infrastructure improvements are being pursued by others. See Standard Response 6.42.1.

The Cornfield and Taylor Yard Properties are included and addressed in the Final Program EIR/EIS and would be subject to a full 4(f) analysis in subsequent project level environmental review. The subsequent project level analysis will allow for further avoidance and minimization efforts, as well as identification of specific mitigation, if impacts cannot be avoided. The Authority has identified the MTA/Metrolink, which avoids Cornfield property, as the preferred option. This option was identified, in part, because it would have fewer potential affects on both the Cornfield Property and the Taylor Yards. Between Burbank and Los Angeles Union Station the MTA/Metrolink refers to a relatively wide corridor within which alignment variations will be investigated at the project level.

The two HST alignments crossing Henry Coe State Park have been dropped from further analysis. See Standard Response 6.3.1.

The potential for cumulative impacts of the proposed HST system on the State Parks system are addressed in Section 3.17. With physical impacts avoided, minimized or mitigated, resulting regional beneficial impacts such as increased mobility and air quality would have a positive affect on the State Parks system and the resources therein. Please also refer to response to Comment O051-1 and response to Comment AS004-1.

O029-3

The Authority will not pursue HST alignments crossing Henry Coe State Park. See Standard Response 6.3.1.

O029-4

Please see Standard Response 3.16.1 and 6.3.1.

Identification of specific impacts in tiered project level environmental review is appropriate because of the impracticality of achieving this at the program level. Subsequent preliminary engineering and project level environmental review will provide more detail identifying specific alignments and further opportunities to avoid and minimize the potential use of 4(f) and 6(f) resources, as proposed alignments and facilities are more defined.

O029-5

See response to comment O029-3.

O029-6

In the Final Program EIR/EIS, each environmental section of Chapter 3 has been modified to include specific mitigation strategies that would be applied in general for the HST system. Each section of Chapter 3 also outlines specific design features that will be applied to the implementation of the HST system to avoid, minimize, and

mitigate potential impacts. At the program level it is premature to develop more specific mitigation measures since specific impacts to specific properties unknown and cannot yet be determined. Once there is a more detailed analysis of an identified alignment and after avoidance and minimization efforts have been exhausted, specific mitigation measures will be addressed. Also see comment O029-4 regarding the further examination of alignment options. The Authority recognizes the requirements of state and federal law to provide replacement park properties, but any obligations to obtain such properties cannot be determined until more specific alignments are selected. This will occur with project-level environmental review, if the HST proposal moves forward.

O029-7

The current section heading is "Section 4(f) and 6(f) Resources (Public Parks and Recreation)." Section 3.16 has been renamed "Section 4(f) and 6(f) Resources (Public Parks and Recreation, Waterfowl Refuges and Historic Sites)" in the Final Program EIR/EIS.

A table identifying each potentially impacted resource and the nature of potential impact in terms of its relative proximity to the proposed facilities for both the Modal and HST Alternatives is provided in the Final Program EIR/EIS (Appendix 3.16-A).